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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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10 STEVEN J. ARMSTRONG,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Acting  
14 Commissioner of the Social Security  
Administration,

15 Defendant.  
16

CASE NO. 2:16-CV-01845-DWC

ORDER GRANTING STIPULATED  
MOTION FOR REMAND

17 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local  
18 Magistrate Judge Rule MJR 13. *See also* Consent to Proceed before a United States Magistrate  
19 Judge, Dkt. 6. Presently before the Court is Defendant's Stipulated Motion for Remand  
20 ("Motion"). Dkt. 23. After reviewing the Motion and the relevant record, the Court orders the  
21 following:

22 Defendant's Motion is granted, and the above-captioned case is REVERSED and  
23 REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. §  
24 405(g).

1 On remand, the Appeals Council will:

- 2 • Determine the appropriate administrative action to be taken — whether a favorable  
3 decision can be issued based on the evidence of record or whether further  
4 development of the record and a new Administrative Law Judge (ALJ) decision is  
5 necessary;
- 6 • If the Appeals Council determines that a favorable decision cannot be issued based on  
7 the evidence of record, it will instruct a different ALJ to obtain a medical expert to  
8 assist in evaluating Plaintiff's mental impairments; further evaluate the opinion  
9 evidence of record; further evaluate Plaintiff's residual functional capacity; further  
10 evaluate Plaintiff's subjective complaints; and if necessary obtain supplemental  
11 vocational expert evidence; and
- 12 • Lastly, if Plaintiff is found to be disabled, the ALJ will determine whether substance  
13 abuse is a contributing factor material to the finding of disability pursuant to Social  
14 Security Ruling 13-2p.

15 The parties agree that Plaintiff is entitled to reasonable attorney fees, expenses, and costs  
16 under the Equal Access to Justice Act, 28 U.S.C. §§ 2412 and 1920, upon proper request to the  
17 Court.

18 Dated this 16th day of October, 2017.

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20 David W. Christel  
21 United States Magistrate Judge  
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